

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

**MONIQUE SMITH,**  
**Plaintiff,**

**v.**

**C. RATLEDGE,**  
**Defendant.**

)  
)  
)  
)  
)  
)  
)

**Civil Action No. 7:16cv00111**

**ORDER**

**By: Norman K. Moon**  
**United States District Judge**

This matter is before me on Monique Smith's motion asking me to reconsider my opinion and order dismissing his action pursuant to *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971), without prejudice pursuant to 28 U.S.C. § 1915A(b)(1) for failing to state a claim against the named defendant. Having reviewed the motion and pertinent portions of the record, I remain convinced that the action was properly dismissed. Accordingly, it is hereby **ORDERED** that Smith's motion for reconsideration (Docket No. 10) is **DENIED**. Smith is reminded that the dismissal of his case was without prejudice to his opportunity to refile his claims in a separate action.

The Clerk shall send a copy of this order to Smith.

**ENTER:** This 28<sup>th</sup> day of June, 2016.

  
\_\_\_\_\_  
NORMAN K. MOON  
UNITED STATES DISTRICT JUDGE